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10/635,769	08/05/2003	Todd W. Goforth	IGT1P095/P-813	1651

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EXAMINER
WONG, JEFFREY KEITH

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/635,769	GOFORTH ET AL.
Office Action Summary	Examiner	Art Unit	
	Jeffrey K. Wong	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>11-22</u> is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of the Application

1.   This Office-Action acknowledges the Amendment filed on 5/15/2008 and is a

response to said Amendment.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-5, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hein, JR. et al., US Patent Application Publication 2004/0029637A1.

Regarding Claim 1.

(Previously Presented) A wager-based gaming machine comprising: one or more

speakers(elem 140 and 145.); a master gaming controller adapted to process and

facilitate the presentation of a wager-based game(elem 110. The CPU is viewed as the

gaming controller); and a digital sound system comprising: at least one memory unit

storing data(elem 115), wherein said data comprises one or more wave files, one or

more sets of wave table data, or both(para 26. The CPU with associated memory may

provide digital sounds such as wav or mp3), and a digital signal processor configured to

produce audio output for said one or more speakers(para 26. The digital signal

processor on the sound card helps provide audio output), wherein said digital signal

processor is adapted to perform at least one function

selected from the group consisting of generating original audio output and modifying

existing sound files(para 26. The digital signal processor helps provide the audio

output); and

a programmable logic device interposed between the master gaming controller and the

digital sound system(fig. 1(a) and para 26. A typical sound card includes a digital signal

processor (DSP) that handles most computations, a digital to analog converter (DAC)

for audio leaving the card, a read-only memory (ROM) or Flash memory for storing data,

and a jack for connecting to speakers. Read-only memory is viewed as a programmable

logic device. In this case, the sound card is located between the CPU, which is viewed

as the master gaming controller and the sound adjustment module, which is viewed as

the digital sound system when combined with the speakers. The sound card, which

contains the read-only memory, is viewed as containing the programmable logic device

is depicted as interposed between those two.)

Regarding Claim 2.

(Original) The gaming machine of claim 1, wherein said digital sound system further

comprises: an event sequencer interposed between the master gaming controller and

the digital signal processor(elem 120), wherein said event sequencer converts instructions from the master gaming controller to instructions that can be executed by the digital signal processor(The sound card is viewed as possessing the event sequencer because it is used to receive instructions from the CPU and be executed by the DSP on the sound card).

Regarding Claim 3.

(Original) The gaming machine of claim 1, wherein said digital signal processor is configured to alter musical or tonal parameters while a sound file is playing(Abstract. The digital signal processor on the sound card is used to adjust the volume of the audio output).

Regarding Claim 4.

(Original) The gaming machine of claim 1, wherein said digital signal processor is configured to synthesize music in real-time(para 26. The digital signal processor is used to output audio to the speakers which is done in real-time).

Regarding Claim 5.

(Original) The gaming machine of claim 1, wherein said digital signal processor is configured to provide audio output tailored to a player currently using the gaming machine(Abstract. The volume of the music is adjusted by the digital signal processor).

Regarding Claim 9.

(Original) The gaming machine of claim 1, wherein said digital sound system comprises additional memory for storing audio processing algorithms for execution on the digital signal processor(para 50. Algorithms are used for determining the ambient noise and adjusting the volume control accordingly).

Regarding Claim 10.

(Original) The gaming machine of claim 1, wherein said event sequencer is installed in a manner that prevents the digital signal processor from effecting operation of the master gaming controller (para 27. Sound adjustment of the audio may be carried out using the sound card)

4.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hein, JR. et al., US Patent Application Publication 2004/0029637A1 as applied to claim 1 above, and further in view of Walker et al, US Patent Application Publication 2002/0151366A1.

Regarding Claim 6.

(Original) Hein discloses the gaming machine of claim 4, but failed to disclose wherein said audio output is tailored by at least one or more parameters selected from the group consisting of language selection, gender selection, accent selection, and style selection. However, Walker discloses of an invention in which users can choose from a group of language to be implemented with the game terminal(Abstract) as a means of customizing a gaming machine device according to a player's desired

configuration(Para 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the language selection of Walker's invention with the

volume control of Hein's invention as a means of allowing players to customize their

gaming machine as taught by Walker.

5.   Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein,

JR. et al., US Patent Application Publication 2004/0029637A1 as applied to claim 1

above, and further in view of Chan, US Patent 6,411,926B1.

Regarding Claim 7, 8.

(Original) Hein discloses the gaming machine of claim 1 wherein said digital sound

system further comprises a microphone (elem 150), but failed to disclose wherein said

digital signal processor is configured to recognize speech used by a player at or near

the gaming machine.

However, Chang discloses of a voice recognition system that includes a digital signal

processor(Abstract) that can be used as means of endowing machines with simulated

intelligence to recognize user or user voice commands and to facilitate human

interfaces with the machine(Col 1, lines 10-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made that the digital signal processor used for volume control of Hein's

invention can also be additionally used for voice recognition as means of endowing

machines with simulated intelligence to recognize user or user voice commands and to

facilitate human interfaces with the machine as taught by Chang.

Allowable Subject Matter

Claims 11-22 are viewed as allowable. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest the limitation pertaining to a programmable logic device separate from and connected to said central processing unit with a digital signal processor being separate from and connected to said programmable logic device, wherein said programmable logic device is interposed between said central processing unit and said digital signal processor, such that said digital signal processor is unable to communicate directly to said central processing unit, and wherein said programmable logic device converts instructions from said central processing unit to instructions that can be executed by said digital signal processor.

Response to Arguments

6.   Applicant's arguments filed 5/15/2008 have been fully considered but they are not persuasive. Applicant alleges that there is no clear rationale provided for the combination of the references Hein and Chang. The Examiner disagrees. Hein discloses in Para 26 of how sound cards may have a microphone jack and an analog-to-digital converter for converting analog audio signals from the microphone. Chang discloses in Col 1, lines 10-14 that voice recognition systems endow machines with simulated intelligence to recognize user or user voiced commands and to facilitate human interface with the machine. It is well known to one of ordinary skill in the art that

voice recognition is implemented when user's speak through audio input devices such as a microphone. Therefore, it would have been obvious to incorporate Chang's voice recognizing system as means of facilitating human interface with the machine as taught by Chang.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW

/Scott E. Jones/
Primary Examiner, Art Unit 3714